

# House Amendment 1346

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1 1 Amend Senate File 415, as amended, passed, and  
1 2 reprinted by the Senate, as follows:  
1 3 #1. Page 1, by inserting before line 1 the  
1 4 following:  
1 5 <Section 1. Section 6A.1, Code 2009, is amended to  
1 6 read as follows:  
1 7 6A.1 EXERCISE OF POWER BY STATE.  
1 8 1. Proceedings may be instituted and maintained by  
1 9 the state of Iowa, or for the use and benefit thereof,  
1 10 for the condemnation of such private property as may  
1 11 be necessary for any public improvement which the  
1 12 general assembly has authorized to be undertaken by  
1 13 the state, and for which an available appropriation  
1 14 has been made. The executive council shall institute  
1 15 and maintain such proceedings in case authority to so  
1 16 do be not otherwise delegated.  
1 17 2. All proceedings instituted and maintained by  
1 18 the state of Iowa shall not commence without the  
1 19 signed authorization of the governor.  
1 20 3. The condemnation authority granted in this  
1 21 section shall not extend to the department of natural  
1 22 resources if the department is seeking to acquire real  
1 23 property for purposes of carrying out a duty related  
1 24 to development and maintenance of the recreation  
1 25 resources of the state, including planning,  
1 26 acquisition, and development of recreational projects,  
1 27 and areas and facilities related to such projects,  
1 28 notwithstanding any provisions to the contrary.  
1 29 Sec. 2. Section 455A.5, Code 2009, is amended by  
1 30 adding the following new subsection:  
1 31 NEW SUBSECTION. 7. The authority granted the  
1 32 commission to acquire real property for purposes of  
1 33 carrying out a duty related to development and  
1 34 maintenance of the recreation resources of the state,  
1 35 including planning, acquisition, and development of  
1 36 recreational projects, and areas and facilities  
1 37 related to such projects, shall not extend to the  
1 38 authority to acquire land by eminent domain.  
1 39 Sec. 3. Section 456A.24, subsection 2, unnumbered  
1 40 paragraph 1, Code 2009, is amended to read as follows:  
1 41 Acquire by purchase, ~~condemnation,~~ lease,  
1 42 agreement, gift, and devise lands or waters suitable  
1 43 for the purposes hereinafter enumerated, and  
1 44 rights-of-way thereto, and to maintain the same for  
1 45 the following purposes, ~~to wit:~~  
1 46 Sec. 4. Section 456A.24, Code 2009, is amended by  
1 47 adding the following new subsection:  
1 48 NEW SUBSECTION. 15. The authority granted the  
1 49 department to acquire real property for any statutory  
1 50 purpose relating to development and maintenance of the  
2 1 recreation resources of the state, including planning,  
2 2 acquisition, and development of recreational projects,  
2 3 and areas and facilities related to such projects,  
2 4 shall not extend to the authority to acquire land by  
2 5 eminent domain.  
2 6 Sec. 5. Section 461A.7, Code 2009, is amended to  
2 7 read as follows:  
2 8 461A.7 ~~EMINENT DOMAIN PURCHASE OF LANDS == PUBLIC~~  
2 9 ~~PARKS.~~  
2 10 The commission may purchase ~~or condemn~~ lands from  
2 11 willing sellers for public parks. ~~No A~~ contract for  
2 12 the purchase of such public parks shall not be made to  
2 13 an amount in excess of funds appropriated therefor by  
2 14 the general assembly.  
2 15 Sec. 6. Section 461A.10, Code 2009, is amended to  
2 16 read as follows:  
2 17 461A.10 TITLE TO LANDS.  
2 18 The title to all lands purchased, ~~condemned,~~ or  
2 19 donated, hereunder, for park ~~or highway~~ purposes and  
2 20 the title to all lands purchased, condemned, or  
2 21 donated hereunder for highway purposes, shall be taken  
2 22 in the name of the state and if thereafter it shall be  
2 23 deemed advisable to sell any portion of the land so  
2 24 purchased or condemned, the proceeds of such sale

2 25 shall be placed to the credit of the said public state  
2 26 parks fund to be used for such park purposes.  
2 27 Sec. 7. Section 463C.8, subsection 1, paragraph k,  
2 28 Code 2009, is amended to read as follows:  
2 29 k. The power to acquire, own, hold, administer,  
2 30 and dispose of property, except that such power is not  
2 31 a grant of authority to acquire property by eminent  
2 32 domain.  
2 33 Sec. 8. Sections 461A.9 and 461A.75, Code 2009,  
2 34 are repealed.>  
2 35 #2. Page 1, line 4, by inserting after the figure  
2 36 <657A.10A,> the following: <and notwithstanding  
2 37 chapters 6A and 6B,>.  
2 38 #3. Page 4, by inserting after line 14 the  
2 39 following:  
2 40 <Sec. \_\_\_\_ . EFFECTIVE DATE. The sections of this  
2 41 Act amending sections 6A.1, 455A.5, 456A.24, 461A.7,  
2 42 461A.10, and 463C.8, and repealing sections 461A.9 and  
2 43 461A.75, being deemed of immediate importance, take  
2 44 effect upon enactment.>  
2 45 #4. Title page, line 2, by inserting after the  
2 46 word <years> the following: <and to the authority and  
2 47 proceedings to acquire property through condemnation  
2 48 by the state, and providing an effective date>.  
2 49 #5. By renumbering as necessary.  
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3 3 GRASSLEY of Butler  
3 4 SF 415.204 83  
3 5 md/sc/23433